

# SIXTY-SEVENTH DAY

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TUESDAY, MAY 6, 1997

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## PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by Senator Moncrief.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend C. B. T. Smith, Pastor Emeritus, Golden Gate Missionary Baptist Church, Dallas, accompanied by his wife Rosie Lee, offered the invocation as follows:

God, our heavenly Father, we come before Thee with a deep sense of gratitude for the freedom and privilege to pray. As Thy glory doth appear in the beauty of the morning, grant to us Thy glory in the sanctuaries of our hearts. Father God, as we reconvene the "75th Texas State Senate Legislative Session," may we depend upon Your presence and power for the inspiration of our minds. Be pleased also to inspire our hearts with love and compassion that we may love and serve our fellowman in the spirit of Christ. Forgive us of our sins, release us from the bondage of mistakes, remove all disturbing thoughts from our minds, and help us, our Father, to be ever mindful of the evil problems that we face in our land today. Grant that we may meet with wisdom and responsibility these evils that plague our cities, communities, state, and our nation. Make us gentle, courteous, and forbearing. Direct our lives so that we may look each to the good of the other in word and deed. O God, hallow our friendships by the blessing of Thy spirit. Help us by Thy great love to relieve the destitute and needy. These blessings we ask in the name of Jesus. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 429**

On motion of Senator Duncan and by unanimous consent, Senator Haywood will be shown as Co-author of **SB 429**.

**CO-AUTHOR OF SENATE BILL 1122**

On motion of Senator Armbrister and by unanimous consent, Senator Patterson will be shown as Co-author of **SB 1122**.

(President in Chair)

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 82, SB 93, SB 123, SB 226, SB 292, SB 327, SB 420, SB 503, SB 626, SB 635, SB 639, SB 646, SB 699, SB 702, SB 721, SB 804, SB 816, SB 833, SB 912, SB 1038, SB 1111, SB 1162, SB 1219, SCR 46, SCR 60, SCR 67, SCR 76**

(Senator Sibley in Chair)

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

Senator Truan was recognized and announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, May 6, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 155**, Relating to the listing and registration of family homes; providing penalties.

**HB 226**, Relating to laws regulating the distribution and dispensation of Schedule II controlled substances.

**HB 332**, Relating to election precincts and polling places; providing a criminal penalty.

**HB 349**, Relating to coverage under certain health benefit plans for care after the performance of a mastectomy and certain related procedures.

**HB 455**, Relating to objection to a visiting judge.

**HB 629**, Relating to recruitment requirements for hiring personnel at the Texas Alcoholic Beverage Commission.

**HB 727**, Relating to the regulation of massage therapy; providing penalties.

**HB 839**, Relating to prohibiting discrimination by insurers in issuing health or life insurance policies to certain persons who are victims of family violence.

**HB 1001**, Relating to eligibility requirements for voting by persons convicted of a felony.

**HB 1006**, Relating to the suspension or denial of a driver's license or permit to certain children who use or possess a firearm while in a motor vehicle.

**HB 1161**, Relating to uniform competitive bidding requirements for municipalities.

**HB 1203**, Relating to credit in, benefits from, and administration of certain municipal retirement systems for police officers.

**HB 1259**, Relating to the prosecution of and the punishment for the offense of interference with child custody.

**HB 1310**, Relating to the extension or reimposition of the sales and use tax by certain industrial development corporations.

**HB 1334**, Relating to a change of beneficiary by a retiree of the Teacher Retirement System of Texas.

**HB 1356**, Relating to licensing of funeral prearrangement life insurance agents and to accelerated life insurance benefits.

**HB 1439**, Relating to use of financial assistance granted to persons with dependent children.

**HB 1498**, Relating to motor vehicle insurance rates for certain individuals with good driving records who are members of youth groups.

**HB 1534**, Relating to the certification of mammography systems.

**HB 1542**, Relating to the authorization of the Texas Natural Resource Conservation Commission to issue general permits by rule for the discharge of waste into or adjacent to water in the state.

**HB 1611**, Relating to the testing of natural gas piping systems in school district facilities.

**HB 1742**, Relating to residential construction liability.

**HB 1855**, Relating to sales tax exemption for items used in manufacturing tangible personal property for ultimate sale.

**HB 1868**, Relating to certain exceptions to the definition of dentistry.

**HB 1961**, Relating to the transfer of certain state property from the Texas Department of Transportation to certain governmental entities.

**HB 2001**, Relating to the enterprise zone program.

**HB 2067**, Relating to temporary vehicle registration.

**HB 2192**, Relating to the establishment of a physician recruitment program for medically underserved areas.

**HB 2482**, Relating to the establishment of an accreditation program for child-care facilities and child-placing agencies as an alternative to state licensure; providing a criminal penalty.

**HB 2703**, Relating to the regulation of manufactured housing; providing penalties.

**HB 2906**, Relating to the duties of the state auditor, state audits, and investigations.

**HB 3189**, Relating to the authority of the Parks and Wildlife Department to issue revenue bonds.

**HB 3194**, Relating to the construction and operation of certain sour gas pipeline facilities.

**HB 3254**, Relating to correctional facilities that house inmates convicted of offenses against the laws of another state of the United States.

**HB 3281**, Relating to local court processing for child support cases and to enforcement of child support orders; providing penalties.

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 506**

House Conferees: Dutton - Chair/Alvarado/Hilbert/Uher/Zbranek

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

(Senator Truan in Chair)

#### **PERMISSION TO INTRODUCE BILLS**

On motion of Senator Brown and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

**SB 1945, SB 1946**

#### **SENATE RESOLUTION 530**

Senator West offered the following resolution:

WHEREAS, Dr. Clarence Booker Taliferro Smith, pastor emeritus of Golden Gate Baptist Church in Dallas, Texas, has retired from his pastoral

duties, and the Texas Senate takes pleasure in joining the congregation in paying tribute to this exemplary Christian minister; and

WHEREAS, For the past 45 years, Dr. Smith has served as pastor of one of Dallas' most vibrant inner city churches and has played a vital role in the African American community; his leadership has brought together countless numbers of people into the Christian fellowship; and

WHEREAS, Throughout his tenure, Dr. Smith has been a staunch supporter of education and has become well known on the local, state, and national levels for his tireless work; and

WHEREAS, Recognized among fellow ministers and lay people alike as one of the most inspiring present-day Baptist preachers, Dr. Smith has filled the pulpit with his presence, his wisdom, his wit, and his devotion to his faith; and

WHEREAS, His sermons have touched the lives of both young and old who find comfort and hope in his message of God's love for all; as pastor to his flock, Dr. Smith has counseled those who came to him for guidance in their daily lives; and

WHEREAS, The son of Andrew and Laura Smith, Dr. Smith was born in La Vernia, Texas, a small community south of San Antonio, where he attended elementary school; after moving to San Antonio during his high school days, he met his future bride, Rosie Lee Hartfield, and the couple married during World War II just before C. B. T. was shipped overseas; in 1946, he returned home and began to prepare for the ministry; and

WHEREAS, Dr. Smith attended Saint Phillip's Junior College in San Antonio, Bishop College in Marshall, and Southwestern Theological Seminary in Fort Worth; he preached his first sermon on January 6, 1946, at New Light Baptist Church in San Antonio; after serving churches in Saint Augustine, Marshall, Longview, and Waxahachie, the young minister was called to Golden Gate Baptist Church in 1952, where he became an exemplary role model and devoted shepherd of his flock; Dr. and Mrs. Smith have worked together to provide a caring ministry based on loving concern, support, and encouragement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend best wishes to Clarence Booker Taliferry Smith for a most rewarding retirement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as a token of the high regard of the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Thursday, April 17, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

#### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate the Reverend Dr. Clarence Booker Taliferry Smith and his wife Rosie Lee of Dallas. Dr. Smith offered the invocation for the Senate today.

The Senate welcomed its guests.

**CAPITOL PHYSICIAN**

Senator Barrientos was recognized and presented Dr. David Pampe of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Pampe and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**(President in Chair)**

**GUEST PRESENTED**

Senator Moncrief was recognized and introduced to the Senate Walt Garrison, former Dallas Cowboys football player.

The Senate welcomed Mr. Garrison.

**SENATE RESOLUTION 566**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the Texas Law Enforcement Intelligence Units Association on the occasion of its 25th anniversary which is being celebrated May 6 through 8, 1997; and

WHEREAS, In celebration of its 25th anniversary, the Texas Law Enforcement Intelligence Units Association is holding its annual conference in Austin; hosting agencies for the event are the Texas Department of Public Safety, Special Crimes Service, and the Round Rock Police Department; and

WHEREAS, The association was organized on March 15, 1972, and the first annual training conference was held February 26-27, 1973; the first chairman was W. A. Cowan, Jr., and the current chairman is B. J. Miller of the Galveston County Sheriff's Office; and

WHEREAS, The association operates in compliance with the directions prescribed by the Texas Organized Crime Prevention Council, and its membership is currently represented by over 100 city, county, state, and federal agencies; and

WHEREAS, Created to promote the exchange and sharing of information on organized crime activity within the State of Texas, the Texas Law Enforcement Intelligence Units Association works toward the professionalization of law enforcement through training and education; and

WHEREAS, The organization exchanges information on organized crime with the appropriate neighboring states and federal agencies and works to develop trust among its members and trusting relationships with other law enforcement agencies; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the members of the Texas Law Enforcement Intelligence Units Association on their goals and their outstanding work on behalf of the citizens of this state and extend best wishes to them for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the association as an expression of esteem from the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 23, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

#### GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Rex Smith, Department of Public Safety Capitol Security, and B. J. Miller, Chair of the Texas Law Enforcement Intelligence Units Association.

The Senate welcomed its guests.

(Senator Truan in Chair)

#### GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate members of the rodeo committees from Seguin, Bandera, and San Antonio.

The Senate welcomed its guests.

#### SENATE BILL 290 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 290** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### Amendment

Amend **SB 290** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to electronic assistance provided by the Health and Human Services Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.013 to read as follows:

Sec. 531.013. ELECTRONIC AVAILABILITY OF TECHNICAL ASSISTANCE. (a) Health and human services agencies shall, in conjunction with the Department of Information Resources, coordinate and enhance their existing Internet sites to provide technical assistance for human services providers. The commission shall take the lead and ensure involvement of agencies with the greatest potential for cost savings.

(b) Assistance under this section may include information in the following subjects:

- (1) case management;
- (2) contract management;
- (3) financial management;
- (4) performance measurement and evaluation;
- (5) research; and
- (6) other matters the commission considers appropriate.

(c) Assistance under this section must include information on the impact of federal and state welfare reform changes on human services providers.

(d) Assistance under this section may not include any confidential information regarding a client of a human services provider.

(e) The commission and health and human services agencies shall file a report regarding the cost-effectiveness of using the Internet to coordinate and enhance technical assistance for human services providers with the governor, the lieutenant governor, the speaker of the house of representatives, and the House Committee on Human Services not later than September 1, 1998. This subsection expires January 1, 1999.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Zaffirini, the Senate concurred in the House amendment to **SB 290** by a viva voce vote.

(Senator Brown in Chair)

#### **SENATE BILL 1712 WITH HOUSE AMENDMENT**

Senator Bivins called **SB 1712** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 1712** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to authorizing the Texas Engineering Extension Service to participate in the skills development fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 303.001(a), Labor Code, is amended to read as follows:

(a) The purpose of this chapter is to remove administrative barriers that impede the response of public community and technical colleges and the Texas Engineering Extension Service to industry and workforce training needs and to develop incentives for public community and technical colleges and the Texas Engineering Extension Service to provide customized assessment and training in a timely and efficient manner.

SECTION 2. Section 303.002(b), Labor Code, is amended to read as follows:

(b) A public community or technical college or the Texas Engineering Extension Service may recover customized assessment and training costs incurred by the institution [college] if:



(1) there is an actual or projected labor shortage in the occupation in which training is provided that is not being met by an existing institution or program in the area; and

(2) the wages at the time of job placement for individuals who successfully complete customized training at the public community or technical college or the Texas Engineering Extension Service are equal to the prevailing wage for that occupation in the local labor market area.

SECTION 3. Section 303.003, Labor Code, is amended by amending Subsection (b) and adding Subsections (f) and (g) to read as follows:

(b) The skills development fund may be used by public community and technical colleges or the Texas Engineering Extension Service as start-up or emergency funds for the following job-training purposes:

(1) developing customized training programs for businesses and trade unions; and

(2) sponsoring small and medium-sized business networks and consortiums.

(f) The Texas Engineering Extension Service shall focus the service's training activities under this chapter on programs that:

(1) are statewide in nature; or

(2) are not available from a local junior college district, a local technical college, or a consortium of junior college districts.

(g) This section does not prohibit the Texas Engineering Extension Service from participating in a consortium of junior college districts or with a technical college that provides training under this chapter.

SECTION 4. Section 303.004, Labor Code, is amended to read as follows:

Sec. 303.004. FUND REVIEW. The Texas Higher Education Coordinating Board shall review all customized training programs biennially to verify that state funds are being used appropriately by public community and technical colleges and the Texas Engineering Extension Service under this chapter.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Bivins moved to concur in the House amendment to SB 1712.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(President in Chair)

#### SENATE RESOLUTION 654

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in joining citizens across the nation in proclaiming May 6 through May 12, 1997, as National Nurses Week and May 6, 1997, as National Nurses Day in the State of Texas; and

WHEREAS, Professional nursing is Texas' largest health care profession, and registered nurses form the largest segment of the Texas health care work force, with 130,000 registered nurses residing in Texas and over 100,000 actively engaged in professional nursing; and

WHEREAS, Texas' registered nurses care for Texans every day by providing high quality nursing care in a variety of settings and specialties including emergency care, intensive care, medical-surgical, anesthesia, geriatrics, pediatrics, oncology, psychiatry, obstetrics-gynecology, and public health; and

WHEREAS, Advanced practice nurses deliver quality accessible and affordable primary and preventive care, often to the elderly, poor, rural, and other underserved populations of Texas; and

WHEREAS, The need for quality nursing care is greater than ever because of the aging of the population, the continued growth of life-sustaining technology, and the explosive growth of home health and other community-based services; and

WHEREAS, The care and support registered nurses, as direct care givers, provide to patients in a high-tech health care system is beyond price; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby recognize May 6 through May 12, 1997, as Texas Nurses Week and May 6, 1997, as Texas Nurses Day in order to give Texans an opportunity to recognize and praise the exemplary dedication and invaluable public service of registered nurses.

The resolution was read and was adopted by a viva voce vote.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 943 ON THIRD READING**

Senator Nelson moved that the regular order of business be suspended and that **CSSB 943** be placed on its third reading and final passage:

**CSSB 943**, Relating to the regulation of medical radiologic technologists and other persons who perform radiologic procedures.

The motion was lost by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Barrientos, Bivins, Brown, Cain, Carona, Fraser, Galloway, Harris, Lindsay, Madla, Moncrief, Nelson, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, Zaffirini.

Nays: Armbrister, Duncan, Ellis, Gallegos, Haywood, Lucio, Luna, Nixon, Ogden, Truan, West.

Absent: Whitmire.

**COMMITTEE SUBSTITUTE  
SENATE BILL 813 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 813**, Relating to improvement of career and technology education programs.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 813 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 813** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 813** was read third time and was passed by a viva voce vote.

**(Senator Brown in Chair)**

**SENATE BILL 1101 ON SECOND READING**

Senator Wentworth asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**SB 1101**, Relating to access to certain law enforcement and prosecutorial records under the open records law.

There was objection.

Senator Wentworth then moved to suspend the regular order of business and take up **SB 1101** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Armbrister, Bivins, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire.

Nays: Brown, Nelson, Zaffirini.

Absent: Barrientos.

**SB 1101** was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1101** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 552.108, Government Code, is amended to read as follows:

Sec. 552.108. EXCEPTION: CERTAIN LAW ENFORCEMENT AND PROSECUTORIAL INFORMATION. (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in the presentment of an indictment or information; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; and

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in the presentment of an indictment or information; or

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; and

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

The amendment was read and was adopted by a viva voce vote.

**SB 1101** as amended was passed to engrossment by a viva voce vote.

#### RECORD OF VOTES

Senators Brown, Nelson, and Zaffirini asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 1101 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1101** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire.

Nays: Brown, Nelson, Zaffirini.

**SB 1101** was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Cain was recognized and introduced to the Senate Lannie Hopkins, Mayor of Seagoville, and his wife.

The Senate welcomed Mr. and Mrs. Hopkins.

**SENATE BILL 612 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 612**, Relating to a defense to prosecution for endangering a child.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 612 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 612** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 612** was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Sibley was recognized and introduced to the Senate a group of students from South Bosque Elementary School in Woodway.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1479 ON SECOND READING**

Senator Bivins asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 1479**, Relating to civil immunity for volunteers for institutions of higher education.

There was objection.

Senator Bivins then moved to suspend the regular order of business and take up **CSSB 1479** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Truan, West.

Absent: Luna.

**CSSB 1479** was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1479 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1479** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Truan, West.

**CSSB 1479** was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Gallegos, Truan, West.

(President in Chair)

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**HB 160, HB 243, HB 376, HB 527, HB 565, HB 634, HB 707, HB 799, HB 991, HB 1190, HB 1567, HB 2066, HB 2274, HCR 9, HCR 10, HCR 11, HCR 15, HCR 17, HCR 18, HCR 20, HCR 122, HCR 138, HCR 159, HCR 160, HCR 170, HCR 178, HCR 199**

**COMMITTEE SUBSTITUTE  
SENATE BILL 108 ON SECOND READING**

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 108**, Relating to conditions of community supervision, parole, and mandatory supervision for certain violent offenders.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator West asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 108 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: West.

**CSSB 108** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator West asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 371 ON SECOND READING**

Senator Armbrister moved to suspend the regular order of business to take up for consideration at this time:

**CSSB 371**, Relating to the continuation and functions of the Texas Commission on Fire Protection and the transfer of certain commission functions to the state fire marshal and the Texas Department of Insurance.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Brown.

**CSSB 371** was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Brown asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 371 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 371** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Brown.

**CSSB 371** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Brown asked to be recorded as "Present-not voting" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1340 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1340**, Relating to certain fees related to water quality.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Nixon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1340 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1340** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nixon.

**CSSB 1340** was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Ellis in Chair)

**HOUSE JOINT RESOLUTION 8 ON SECOND READING**

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**HJR 8**, Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up **HJR 8** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 8, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Fraser, Galloway, Nelson, Nixon, Ogden, Ratliff, Shapiro.

Present-not voting: Wentworth.

Absent: Lindsay.

**HJR 8** was read second time and was passed to third reading by the following vote: Yeas 21, Nays 9, Present-not voting 1.



Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Fraser, Galloway, Lindsay, Nelson, Nixon, Ogden, Ratliff, Shapiro.

Present-not voting: Wentworth.

(President in Chair)

### HOUSE BILL 8 ON SECOND READING

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**HB 8**, Relating to the extension of the full faith and credit of the state to support the Texas tomorrow fund.

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up **HB 8** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 9, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Fraser, Galloway, Lindsay, Nelson, Nixon, Ogden, Ratliff, Shapiro.

Present-not voting: Wentworth.

**HB 8** was read second time and was passed to third reading by a viva voce vote.

### RECORD OF VOTE

Senator Wentworth asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 6, 1997

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 794** (Viva-voce vote)

**HB 1474** (Viva-voce vote)

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 263** (Viva-voce vote)

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### **GUEST PRESENTED**

Senator Armbrister was recognized and introduced to the Senate Judge Jodie E. Stavinoha, founding member and past Chair of the Riceland Regional Mental Health Authority.

The Senate welcomed Judge Stavinoha.

(Senator Truan in Chair)

#### **HOUSE BILL 9 ON SECOND READING**

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**HB 9**, Relating to the prepaid higher education tuition program.

(President in Chair)

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up **HB 9** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Nelson, Patterson, Ratliff, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Fraser, Galloway, Lindsay, Nixon, Ogden.

Present-not voting: Wentworth.

Absent: Shapiro.

**HB 9** was read second time.

Senator Barrientos offered the following committee amendment to the bill:

#### **Committee Amendment No. 1**

Amend **HB 9** in SECTION 5 of the bill as follows:

(1) In Section 54.633, Education Code, strike Subsections (a)(1) and (2) (page 4, lines 7-11, house engrossment), as amended by the bill and substitute the following:

(1) economic or ~~[and]~~ academic requirements adopted by the board; or

(2) economic or academic requirements established by the board of a direct-support organization that are approved by the board [by rule].

(2) Strike Section 54.633(d), Education Code (page 4, lines 22 and 23, house engrossment), and substitute the following:

(d) Scholarships under this section may be ~~[are]~~ funded by the private sector, the state, or a local government of the state.

(3) Strike Section 54.633(e)(3), Education Code, as added by the bill (page 5, lines 5 and 6, house engrossment), and substitute the following:

(3) establish economic and academic eligibility requirements that are approved by the board.

The committee amendment was read and was adopted by the following vote: Yeas 20, Nays 10, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Harris, Lucio, Luna, Madla, Moncrief, Nelson, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Duncan, Fraser, Galloway, Haywood, Lindsay, Nixon, Ogden, Patterson, Ratliff.

Present-not voting: Wentworth.

Senator Ogden offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **HB 9** as follows:

1. On page 2, lines 20-21, strike "this state, a local government of this state, or".

2. On page 3, lines 51-57 strike subsection (m) of Sec. 54.633, Education Code.

The amendment was read.

On motion of Senator Ogden and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Senator Ellis offered the following amendment to the bill:

#### **Floor Amendment No. 2**

Amend **HB 9** as follows:

(1) Add a new Section 3 to the bill (page 2, between lines 7 and 8, committee printing) to read as follows:

SECTION 3. Subchapter F, Chapter 54, Education Code, is amended by adding Sections 54.6252, 54.6261, and 54.6262 to read as follows:

Sec. 54.6252. CONTRACT FOR ADDITIONAL CREDIT HOURS.

(a) The board may permit the purchaser of a prepaid tuition contract for a senior college plan at any time during which the contract is in effect and

before the beneficiary graduates from high school to enter into a supplemental contract to prepay the tuition and required fees of the beneficiary for a number of undergraduate credit hours, in addition to the undergraduate credit hours included in the primary contract, equal to the number of credit hours purchased for one year under the primary contract. The additional credit hours must be for the same type of institution as the credit hours purchased under the primary contract.

(b) The contract is subject to Section 54.620.

Sec. 54.6261. DEFERRED USE OF PREPAID CREDIT HOURS. (a) A prepaid tuition contract must permit the beneficiary to elect to pay from another source the beneficiary's tuition and required fees for some or all of the semester credit hours to which the beneficiary is entitled to payment under the contract, and to defer to a subsequent semester or term the right to payment of the beneficiary's tuition and required fees for the number of semester credit hours remaining under the contract. The beneficiary is responsible for payment of the amount of tuition and required fees for the number of semester credit hours that the beneficiary elects not to pay under the contract.

(b) This section does not affect the date on which a prepaid tuition contract terminates under this subchapter and does not give the beneficiary the right to any payment under the contract after termination of the contract.

Sec. 54.6262. APPLICATION OF UNUSED CREDIT HOURS TO GRADUATE TUITION. (a) If the beneficiary of a prepaid tuition contract registers in a graduate or professional degree program before the termination of the contract and the beneficiary has not received payment under the contract for tuition and required fees for all of the semester credit hours to which the beneficiary is entitled, the beneficiary may apply the value of the remaining semester credit hours under the contract to the payment of the beneficiary's tuition and required fees in the graduate or professional degree program.

(b) For purposes of this section, the value of a semester credit hour under a prepaid tuition contract is equal to the average amount of undergraduate tuition and required fees for a semester credit hour that would have been paid under the contract if the beneficiary registered in an undergraduate program for the same term or semester for which the beneficiary applies the payment to the beneficiary's tuition and required fees in a graduate or professional degree program under this section.

(c) This section does not affect the date on which a prepaid tuition contract terminates under this subchapter and does not give the beneficiary the right to any payment under the contract after termination of the contract.

(2) Add the following new sections, appropriately numbered, after existing Section 11 (page 4, between lines 65 and 66, committee printing):

SECTION \_\_. The comptroller shall study the feasibility of and potential options for providing prepaid tuition and fees for residents of this state who may enroll in a graduate or professional degree program. Not later than December 1, 1998, the comptroller shall report to the legislature the results of the study and make any recommendations for legislative or administrative action relating to the provision of prepaid tuition for graduate and professional degree programs.

SECTION \_\_. (a) Except as provided by Subsection (b) of this section, Sections 54.6261 and 54.6262, Education Code, as added by this Act, do not apply to a prepaid tuition contract entered into before the effective date of this Act.

(b) The Prepaid Higher Education Tuition Board may permit the purchaser of a prepaid tuition contract entered into before the effective date of this Act to amend the contract to conform to Sections 54.6261 and 54.6262, Education Code, as added by this Act. The board may require the purchaser to make increased or additional payments as necessary to compensate for any additional costs that the board estimates will be incurred under the contract because of the contract amendment.

(3) Renumber the sections of the bill accordingly.

The amendment was read and was adopted by a viva voce vote.

#### RECORD OF VOTE

Senator Wentworth asked to be recorded as "Present-not voting" on the adoption of Floor Amendment No. 2.

HB 9 as amended was passed to third reading by a viva voce vote.

#### RECORD OF VOTES

Senators Carona, Duncan, Fraser, Galloway, Haywood, Lindsay, Nixon, Ogden, Patterson, and Ratliff asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Senator Wentworth asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

#### HOUSE BILL 749 ON SECOND READING

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 749, Relating to the discharge of criminal proceedings because of delay in prosecution.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend HB 749 in Section 3 of the bill, in proposed Article 15.14, Code of Criminal Procedure (committee printing, page 1, lines 40 and 41), by striking "an arrest warrant", and substituting "a capias".

The amendment was read and was adopted by a viva voce vote.

HB 749 as amended was passed to third reading by a viva voce vote.

#### HOUSE BILL 749 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that HB 749 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 749** was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **HOUSE BILL 1386 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 1386**, Relating to the continuation and the functions of the Board of Pardons and Paroles.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

#### **Committee Amendment No. 1**

Amend **HB 1386** as follows:

On page 9, line 8 of the House Engrossment, insert a new subsection (d) as follows:

(d) Members of the board who are not members of the policy board may participate in policy board meetings, but shall have no vote.

The committee amendment was read and was adopted by a viva voce vote.

(Senator Duncan in Chair)

Senator Brown offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **HB 1386** in SECTION 7 of the bill as follows:

(1) In the introductory language to the section, strike "Subsection (i)" (committee printing page 5, line 5) and substitute "Subsections (i), (j), and (k)".

(2) In Article 42.18, Code of Criminal Procedure, strike proposed Subsections (h) and (i) (committee printing, page 5, line 19 through page 5, line 49) and substitute the following:

(h) The policy board shall develop for board [its] members a comprehensive training and education program on the Texas criminal justice system, with special emphasis on the parole process. A new member may not participate in a vote of the board or a panel until the member completes the program.

(i) To be eligible to take office as a member of the board or the policy board, a person appointed to the board or policy board must complete at least one course of a training program that complies with this section.

(j) A training program must provide information to the person regarding:  
(1) the enabling legislation that created the board and the policy board;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the rules of the board;

- (5) the current budget for the board;
- (6) the results of the most recent formal audit of the board;
- (7) the requirements of the:
  - (A) open meetings law, Chapter 551, Government Code;
  - (B) open records law, Chapter 552, Government Code; and
  - (C) administrative procedure law, Chapter 2001,Government Code;
- (8) the requirements of the conflict of interests laws and other laws relating to public officials; and
- (9) any applicable ethics policies adopted by the policy board or the Texas Ethics Commission.
- (k) A person appointed to the board or policy board is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act and as if the person were a member of the board or policy board.

The amendment was read and was adopted by a viva voce vote.

**HB 1386** as amended was passed to third reading by a viva voce vote.

#### **HOUSE BILL 1386 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1386** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 1386** was read third time and was passed by a viva voce vote.

#### **HOUSE BILL 3490 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 3490**, Relating to the Texas Experimental Research and Recovery Activity (TERRA) of the Railroad Commission of Texas.

The bill was read second time.

Senator Bivins offered the following committee amendment to the bill:

#### **Committee Amendment No. 1**

Amend **HB 3490** as follows:

(1) Add a new SECTION 3 to the bill by amending Section 93.042, Natural Resources Code to read as follows and renumber subsequent sections of the bill appropriately:

The commission, while a well is in the TERRA program, shall assume all well plugging duties for the well and, with the exception of the compliance requirements of a valid TERRA license holder, all pollution prevention and control responsibilities. The commission shall conduct annual inspections and appropriate tests to ensure the continuing integrity of the wellbore. The commission shall keep and retain the necessary records to prove compliance with this requirement.

The committee amendment was read and was adopted by a viva voce vote.

### RECORD OF VOTES

Senators Moncrief and Ogden asked to be recorded as "Present-not voting" on the adoption of the Committee Amendment No. 1.

Senator Bivins offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 3490** as follows:

(1) Insert "(2)" between "described by Subsection (e)" and "," in Section 93.004 of SECTION 1 of the bill.

(2) Strike SECTION 4 of the bill and substitute the following:

"SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house is suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted by a viva voce vote.

### RECORD OF VOTES

Senators Moncrief and Ogden asked to be recorded as "Present-not voting" on the adoption Floor Amendment No. 1.

**HB 3490** as amended was passed to third reading by a viva voce vote.

### RECORD OF VOTES

Senators Moncrief and Ogden asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

#### HOUSE BILL 3490 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3490** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Moncrief, Ogden.

**HB 3490** was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 2. (Same as previous roll call)



**HOUSE BILL 1955 ON SECOND READING**

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 1955**, Relating to the operation of ice skating centers.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 1955 ON THIRD READING**

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1955** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 1955** was read third time and was passed by a viva voce vote.

**HOUSE BILL 711 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 711**, Relating to highway route designations for non-radioactive hazardous materials.

The bill was read second time.

Senator Truan offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **HB 711** as follows:

In SECTION 1 of the bill, in proposed Section 3A(a), Article 6675d, Revised Statutes, between "rules" and "consistent", (page 1, line 8, engrossed version), insert "under this article".

The committee amendment was read and was adopted by a viva voce vote.

**HB 711** as amended was passed to third reading by a viva voce vote.

**HOUSE BILL 711 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 711** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 711** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 699 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 699**, Relating to the requirements for licensing as a professional counselor.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 699** as follows:

(1) Add a new SECTION 1 of the bill as follows (committee report page 1, line 11), and renumber subsequent sections accordingly:

SECTION 1. Subsection (a), Section 3, Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Except as provided by Subsection (b) of this section, this Act does not apply to:

(1) the activities and services of or use of an official title by a person employed as a counselor by a federal, state, county, or municipal agency or public or private educational institution, if the person is performing counseling or counseling-related activities within the scope of his employment;

(2) the activities and services of a student, intern, or trainee in counseling pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities and services constitute a part of the supervised course of study and the person is designated a "counselor intern";

(3) the activities and services of a nonresident rendered not more than 30 days during any year, if the person is authorized to perform the activities and services under the law of the state or country of his residence;

(4) the activities and services of members of other professions licensed or certified by the state, such as physicians, registered nurses, psychologists, certified social workers, licensed marriage and family therapists, licensed chemical dependency counselors, licensed physician assistants, licensed occupational therapists, licensed optometrists in the evaluation and remediation of learning or behavioral disabilities associated with or caused by a defective or abnormal condition of vision, Christian Science practitioners who are recognized by the Church of Christ Scientist as registered and published in the Christian Science Journal, or other recognized religious practitioners performing counseling consistent with the law of the state, their training, and any code of ethics of their professions, if they do not represent themselves by any title or description in the manner prescribed by Section 2 of this Act;

(5) the activities, services, titles, and descriptions of persons licensed to practice law;

(6) the activities, services, titles, and descriptions of persons employed as professionals or who are volunteers in the practice of counseling for public and private nonprofit organizations or charities who are accountable to the persons' sponsoring organization and do not use the title or hold themselves out to be licensed counselors; ~~or~~

~~(7) the activities, services, titles, and descriptions of persons certified by the Commission on Rehabilitation Counselor Certification or the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists performing counseling consistent with the law of the state, their training, and any code of ethics of their profession and who do not use the title or hold themselves out to be licensed counselors; or~~

(8) persons owning, operating, or employed by a certified career counseling service regulated under Chapter 222, Acts of the 70th Legislature, Regular Session, 1987 (Article 5221a-8, Vernon's Texas Civil Statutes).

(2) In SECTION 2 (committee report page 1, line 47) before "This Act" add "(a)".

(3) In SECTION 2 (committee report page 1, line 47) strike ", and" and substitute "."

(4) In SECTION 2 (committee report page 1, line 48) before "applies" insert the following:

"(b) The change in law made by Section 2 of the Act".

The amendment was read and was adopted by a viva voce vote.

**HB 699** as amended was passed to third reading by a viva voce vote.

#### **HOUSE BILL 699 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 699** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 699** was read third time and was passed by a viva voce vote.

#### **HOUSE CONCURRENT RESOLUTION 29 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**HCR 29**, Authorizing a cost-of-living increase in benefits for certain retirees proposed by the state board of trustees of the Texas Statewide Volunteer Firefighters' Retirement Fund.

The resolution was read second time and was adopted by a viva voce vote.

#### **HOUSE CONCURRENT RESOLUTION 94 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**HCR 94**, Commending the efforts of the United States to address the misuse of explosive materials.

The resolution was read second time and was adopted by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 75  
ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration at this time on its second reading:

**SCR 75**, Authorizing the creation of a commission to study the creation of an institution of higher education to be located in the southern portion of the County of Dallas.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Barrientos, Bivins, Brown, Cain, Carona, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapleigh, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Duncan, Nelson.

Absent: Armbrister, Gallegos, Shapiro, Sibley.

**SCR 75** was read second time.

Senator West offered the following committee amendment to the resolution:

**Committee Amendment No. 1**

Amend **SCR 75** by inserting "one member appointed by the governor" between "System," and "one" on page 1, line 17.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Truan and by unanimous consent, further consideration of **SCR 75** was postponed to a time certain of 10:00 a.m. tomorrow.

Question—Shall **SCR 75** as amended be adopted?

**COMMITTEE SUBSTITUTE  
SENATE BILL 755 ON SECOND READING**

Senator Lucio asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 755**, Relating to the number of hours that certain employers may require an employee to work; providing a penalty.

There was objection.

Senator Lucio then moved to suspend the regular order of business and take up **CSSB 755** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Patterson, Ratliff, Shapleigh, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Carona, Duncan, Fraser, Galloway, Nelson, Nixon, Ogden, Shapiro, Sibley.

CSSB 755 was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend CSSB 755 as follows:

On page 1, line 35, Section 53.002(c), between "hours" and the period, insert "and that the employee's signing of the written statement is not a condition of employment".

The amendment was read and was adopted by a viva voce vote.

CSSB 755 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Lindsay, Lucio, Luna, Madla, Moncrief, Patterson, Ratliff, Shapleigh, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Nelson, Nixon, Ogden, Shapiro, Sibley.

**HOUSE BILL 1929 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 1929**, Relating to the investigation and reporting of child abuse or neglect.

The bill was read second time.

Senator Zaffirini offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend HB 1929 as follows:

In SECTION 2, Section 261.405, beginning on page 1, line 20, replace the entire section with the following:

SECTION 2. Section 261.405, Family Code, is amended to read as follows:

Sec. 261.405. INVESTIGATIONS IN PRE-ADJUDICATION AND POST-ADJUDICATION SECURE JUVENILE ~~[COUNTY JUVENILE DETENTION]~~ FACILITIES. A report of alleged abuse or neglect in a public or private juvenile pre-adjudication secure detention facility, including hold-over facilities, or public or private [county] juvenile post-adjudication secure correctional [detention] facility, except for

a facility operated solely for children committed to the Texas Youth Commission, shall be made to a local law enforcement agency for investigation. The local law enforcement agency shall immediately notify the Texas Juvenile Probation Commission of any report the agency receives.

The committee amendment was read and was adopted by a viva voce vote.

**HB 1929** as amended was passed to third reading by a viva voce vote.

#### **HOUSE BILL 1929 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1929** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 1929** was read third time and was passed by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1825 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1825**, Relating to the State Board for Educator Certification and to certain professional employees of public schools.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 1825** as follows:

(1) In **SECTION 14** of the bill, in added Section 21.0521(b)(2), Education Code (Committee Printing, page 5, line 67), strike "and".

(2) In **SECTION 14** of the bill, strike added Section 21.0521(b)(3), Education Code (Committee Printing, page 5, line 68, through page 6, line 4) and substitute the following:

(3) involves a minor, student, or school district employee; and

(4) involves:

(A) murder or criminal solicitation to commit murder;

(B) criminal sexual conduct or criminal solicitation involving criminal sexual conduct;

(C) assault;

(D) kidnapping;

(E) false imprisonment;

(F) arson resulting in injury or death;

(G) stalking;

(H) deadly conduct or reckless endangerment;

(I) robbery resulting in injury or death;

(J) burglary of a habitation in conjunction with another felony other than felony theft; or

(K) marihuana or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq. or a dangerous drug as defined by Chapter 483, Health and Safety Code, if less than two years have elapsed since the date of the conviction.

The amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend CSSB 1825 by inserting the following appropriately numbered section and renumbering the subsequent sections of the bill accordingly:

SECTION \_\_. Subchapter B, Chapter 21, Education Code, is amended by deleting Section 21.042 as follows:

~~[Sec. 21.042. APPROVAL OF RULES. The State Board for Educator Certification must submit a written copy of each rule it proposes to adopt to the State Board of Education for review. The State Board of Education may reject a proposed rule by a vote of at least two-thirds of the members of the board present and voting. If the State Board of Education fails to reject a proposal before the 90th day after the date on which it receives the proposal, the proposal takes effect as a rule of the State Board for Educator Certification as provided by Chapter 2001, Government Code. The State Board of Education may not modify a rule proposed by the State Board for Educator Certification.]~~

The amendment was read and failed of adoption by the following vote: Yeas 10, Nays 18.

Yeas: Cain, Gallegos, Haywood, Lucio, Madla, Moncrief, Shapleigh, Truan, West, Zaffirini.

Nays: Armbrister, Barrientos, Bivins, Brown, Duncan, Fraser, Galloway, Harris, Lindsay, Luna, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth.

Absent: Carona, Ellis, Whitmire.

CSSB 1825 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1825 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1825 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 1825 was read third time and was passed by a viva voce vote.

**(Senator Brown in Chair)**

**HOUSE BILL 729 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 729**, Relating to the facilities covered by and the emergency authority of the Texas Department of Health under the lead abatement law.

The bill was read second time.

Senator Nixon offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 729** as follows:

- (1) On page 2, line 20, between "Act." and "If" insert "(1)".
- (2) On page 2, line 20, after "subsection," strike "the".
- (3) On page 2, line 21, before the word "department" insert "it must be consistent with federal law or regulation. The".

The amendment was read and was adopted by a viva voce vote.

**HB 729** as amended was passed to third reading by a viva voce vote.

**HOUSE BILL 729 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 729** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 729** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1099 ON SECOND READING**

Senator Wentworth asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 1099**, Relating to salaries and fees for services of certain prosecutors.

There was objection.

Senator Wentworth then moved to suspend the regular order of business and take up **CSSB 1099** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ratliff, Shapiro, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Galloway, Harris, Patterson.

Present-not voting: Shapleigh.

Absent: Ogden.



**CSSB 1099** was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTES**

Senators Galloway and Harris asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senator Shapleigh asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1099 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1099** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Galloway, Harris.

Present-not voting: Shapleigh.

**CSSB 1099** was read third time and was passed by a viva voce vote.

#### **RECORD OF VOTES**

Senators Galloway and Harris asked to be recorded as voting "Nay" on the final passage of the bill.

Senator Shapleigh asked to be recorded as "Present-not voting" on the final passage of the bill.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1975 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**CSHB 1975**, Relating to the examination of certain insurance companies.

The bill was read second time and was passed to third reading by a viva voce vote.

#### **RECORD OF VOTE**

Senator Shapleigh asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1975 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1975** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Shapleigh.

**CSHB 1975** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Shapleigh asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Education might consider **SB 1872** tomorrow.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Patterson and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Veteran Affairs and Military Installations might consider **SB 1766** today.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider **SB 1754** today.

**MOTION TO ADJOURN**

On motion of Senator Truan and by unanimous consent, the Senate at 1:20 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

**(Senator Truan in Chair)**

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 1945** by Armbrister  
Relating to the salary of county auditors.  
To Committee on Intergovernmental Relations.

**SB 1946** by Truan  
Relating to the transfer of a case to a statutory probate court.  
To Committee on Jurisprudence.

**SB 1947** by Zaffirini

Relating to the creation, administration, powers, duties, operation, and financing of the Wintergarden Groundwater Conservation District.  
To Committee on Natural Resources.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

**HB 104** to Committee on Criminal Justice.  
**HB 126** to Committee on Criminal Justice.  
**HB 131** to Committee on State Affairs.  
**HB 133** to Committee on Criminal Justice.  
**HB 179** to Committee on Health and Human Services.  
**HB 236** to Committee on Jurisprudence.  
**HB 253** to Committee on Criminal Justice.  
**HB 273** to Committee on State Affairs.  
**HB 293** to Committee on Jurisprudence.  
**HB 325** to Committee on State Affairs.  
**HB 462** to Committee on Criminal Justice.  
**HB 500** to Committee on Criminal Justice.  
**HB 521** to Committee on Criminal Justice.  
**HB 580** to Committee on Intergovernmental Relations.  
**HB 790** to Committee on State Affairs.  
**HB 846** to Committee on Finance.  
**HB 970** to Committee on Intergovernmental Relations.  
**HB 1029** to Committee on Intergovernmental Relations.  
**HB 1051** to Committee on State Affairs.  
**HB 1128** to Committee on Jurisprudence.  
**HB 1173** to Committee on Economic Development.  
**HB 1229** to Committee on Criminal Justice.  
**HB 1314** to Committee on Jurisprudence.  
**HB 1370** to Committee on Criminal Justice.  
**HB 1377** to Committee on Economic Development.  
**HB 1384** to Committee on Finance.  
**HB 1401** to Committee on Intergovernmental Relations.  
**HB 1448** to Committee on State Affairs.  
**HB 1449** to Committee on State Affairs.  
**HB 1521** to Committee on State Affairs.  
**HB 1540** to Committee on Intergovernmental Relations.  
**HB 1576** to Committee on Jurisprudence.  
**HB 1601** to Committee on Intergovernmental Relations.  
**HB 1603** to Committee on Administration.  
**HB 1640** to Committee on Education.  
**HB 1667** to Committee on State Affairs.  
**HB 1668** to Committee on Economic Development.  
**HB 1692** to Committee on Intergovernmental Relations.  
**HB 1723** to Committee on State Affairs.  
**HB 1736** to Committee on Criminal Justice.

**HB 1795** to Committee on Finance.  
**HB 1825** to Committee on Jurisprudence.  
**HB 1850** to Committee on Health and Human Services.  
**HB 1881** to Committee on Intergovernmental Relations.  
**HB 1886** to Committee on Jurisprudence.  
**HB 1898** to Committee on International Relations, Trade, and Technology.  
**HB 1928** to Committee on Criminal Justice.  
**HB 2018** to Committee on State Affairs.  
**HB 2025** to Committee on International Relations, Trade, and Technology.  
**HB 2049** to Committee on Intergovernmental Relations.  
**HB 2064** to Committee on Intergovernmental Relations.  
**HB 2157** to Committee on Finance.  
**HB 2202** to Committee on State Affairs.  
**HB 2203** to Committee on Intergovernmental Relations.  
**HB 2285** to Committee on Intergovernmental Relations.  
**HB 2290** to Committee on Jurisprudence.  
**HB 2297** to Committee on Jurisprudence.  
**HB 2309** to Committee on Jurisprudence.  
**HB 2318** to Committee on State Affairs.  
**HB 2332** to Committee on State Affairs.  
**HB 2335** to Committee on Intergovernmental Relations.  
**HB 2339** to Committee on Jurisprudence.  
**HB 2389** to Committee on Health and Human Services.  
**HB 2397** to Committee on Health and Human Services.  
**HB 2400** to Committee on Economic Development.  
**HB 2438** to Committee on Economic Development.  
**HB 2442** to Committee on Criminal Justice.  
**HB 2448** to Committee on Natural Resources.  
**HB 2451** to Committee on Health and Human Services.  
**HB 2469** to Committee on State Affairs.  
**HB 2525** to Committee on Health and Human Services.  
**HB 2596** to Committee on Health and Human Services.  
**HB 2600** to Committee on State Affairs.  
**HB 2666** to Committee on Intergovernmental Relations.  
**HB 2671** to Committee on Economic Development.  
**HB 2747** to Committee on Finance.  
**HB 2795** to Committee on Economic Development.  
**HB 2833** to Committee on Natural Resources.  
**HB 2861** to Committee on State Affairs.  
**HB 2875** to Committee on Health and Human Services.  
**HB 2883** to Committee on Administration.  
**HB 2922** to Committee on Jurisprudence.  
**HB 2940** to Committee on International Relations, Trade, and Technology.  
**HB 2982** to Committee on Intergovernmental Relations.  
**HB 2984** to Committee on Health and Human Services.

HB 2997 to Committee on State Affairs.  
HB 3016 to Committee on State Affairs.  
HB 3058 to Committee on Education.  
HB 3060 to Committee on Jurisprudence.  
HB 3074 to Committee on State Affairs.  
HB 3078 to Committee on Economic Development.  
HB 3086 to Committee on Jurisprudence.  
HB 3135 to Committee on Jurisprudence.  
HB 3154 to Committee on Jurisprudence.  
HB 3161 to Committee on Economic Development.  
HB 3207 to Committee on State Affairs.  
HB 3224 to Committee on Intergovernmental Relations.  
HB 3233 to Committee on Health and Human Services.  
HB 3234 to Committee on Intergovernmental Relations.  
HB 3271 to Committee on Finance.  
HB 3329 to Committee on State Affairs.  
HB 3368 to Committee on State Affairs.  
HB 3370 to Committee on State Affairs.  
HB 3372 to Committee on Intergovernmental Relations.  
HB 3440 to Committee on State Affairs.  
HB 3486 to Committee on Criminal Justice.  
HB 3492 to Committee on Natural Resources.  
HB 3515 to Committee on State Affairs.  
HB 3545 to Committee on Jurisprudence.  
HB 3556 to Committee on Jurisprudence.  
HB 3565 to Committee on Jurisprudence.  
HB 3569 to Committee on State Affairs.  
HB 3581 to Committee on Jurisprudence.  
HCR 2 to Committee on State Affairs.  
HCR 21 to Committee on Administration.  
HCR 54 to Committee on Administration.  
HCR 67 to Committee on State Affairs.  
HCR 85 to Committee on Administration.  
HCR 86 to Committee on Administration.  
HCR 117 to Committee on Administration.  
HCR 156 to Committee on Health and Human Services.  
HCR 189 to Committee on Health and Human Services.  
HCR 194 to Committee on Administration.

#### CONGRATULATORY RESOLUTIONS

SCR 84 - by Armbrister: Honoring Judge Jodie E. Stavinoha of Fort Bend County.

SR 653 - by Armbrister: Honoring Judge Jodie E. Stavinoha of Fort Bend County.

#### MISCELLANEOUS RESOLUTION

SR 656 - by Gallegos: Designating May 8, 1997, Clinical Nutrition Day in Texas.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 1:29 p.m. adjourned until 10:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

May 6, 1997

**FINANCE — CSSB 918, CSSB 1440**

**STATE AFFAIRS — HB 254, HB 475, HB 1177, HB 1306, HB 1808, HB 1524 (Amended), HB 1879 (Amended)**

**INTERGOVERNMENTAL RELATIONS — SB 1935, HB 2769**

**JURISPRUDENCE — SB 219, HB 259, HB 412, HB 598, HB 906, HB 971, HB 1126, HB 1193, HB 1312, HB 1316, HB 1602, HB 1965, HB 2003, HB 2271, HB 2683, HB 2734, HB 3507**

**INTERGOVERNMENTAL RELATIONS — SB 704, SB 1398 (Amended), CSSB 1938, CSHB 1217**

**ECONOMIC DEVELOPMENT — CSHB 710, SB 1446, CSHB 1212, CSSB 1142, SB 768, CSHB 39, CSHB 1870**

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**SIGNED BY GOVERNOR**

May 5, 1997

**SB 192, SB 454, SB 463, SB 544, SB 797, SB 872, SB 974, SB 1083, SB 1173, SCR 78**

**SENT TO GOVERNOR**

May 6, 1997

**SB 217, SB 293, SB 338, SB 400, SB 445, SB 638, SB 998**

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**OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR****MESSAGE**

**TO THE HONORABLE LIEUTENANT GOVERNOR AND THE HONORABLE SPEAKER OF THE HOUSE OF REPRESENTATIVES:**

I am transmitting to the Secretary of State, with my signature, **SB 974**, relating to the recovery of environmental inspection, removal, and remediation costs by a taxing unit that purchases real property at an ad valorem tax sale.

This legislation will permit a taxing unit to recover costs incurred as a result of inspecting property foreclosed on for unpaid taxes to determine whether environmental problems exist on such property, and to recover costs in remediating the environmental contamination out of the proceeds of a resale of the property.

The goal of this legislation is laudable. However, the redemption provision of the Tax Code, Section 34.21, does not appear to provide for the costs of environmental inspection and remediation to be a required cost of redemption. Under our Tax Code, a property owner has a right of redemption for two years to repurchase property lost in a tax sale for the amount of the recording fees, "taxes, penalties, interest, and costs." Consequently, if a taxing authority acquires property through a tax sale and subsequently inspects the former property and remediates any environmental problems, the property owner could arguably exercise his right of redemption without having to pay for the costs associated with such inspection and remediation. I presume that the Legislature intended that for purposes of Section 34.21 of the Tax Code (the redemption provision), the term "costs" does not have the same meaning as in Section 34.06(b) of the Tax Code, i.e. expenses only associated with court proceedings and sale. Because a legitimate open issue remains with **SB 974**, I encourage the Legislature to consider this at their earliest opportunity.

With this message, I sign this bill into law.

Respectfully,

/s/George W. Bush

May 5, 1997

OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR  
MESSAGE

Agreeing to the request of the Legislature presented by **SCR 78**, **SB 251** is hereby returned to the Senate for further consideration.

Article 4, Section 14, of the Texas Constitution directs and regulates when and how the Governor can approve or veto any bill passed by both houses of the Legislature. In this instance, the Governor has taken no action on **SB 251** and the Legislature has requested by **SCR 78** that **SB 251** be returned to the Senate. Pursuant to established case law, and while under no obligation to comply with the request, **SB 251** is hereby returned to the Senate for further consideration.

/s/Governor George W. Bush

May 5, 1997

